

REMARKS

This is in response to the Office Action mailed November 20, 2002 for the above-referenced application. The original period for response is a shortened statutory response period of three (3) months from the mailing date, making this response due on February 20, 2003. A petition for a three-month extension of time is submitted herewith. A check in the amount of \$465.00 is enclosed to cover the fee for this Petition. Accordingly, a response is due by May 20, 2003, and this response is timely filed. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

The Office Action objects to the disclosure because it contains embedded hyperlinks. Claims 128-146 are currently pending in this application. Claims 128-131, 134-140, 145, and 146 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which allegedly was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 128-131, 134-140, 145, and 146 are also rejected under 35 U.S.C. 112, first paragraph, because allegedly the specification does not reasonably provide enablement for making any transgenic plant with any plant centromere other than the dicotyledonous *Arabidopsis thaliana* centromere. Claims 132-133, 141-144 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicants have amended the Specification to remove the embedded hyperlinks as reflected in the Amendments to the Specification beginning on page 2 of this paper.

Claims 128-131, 134-140, 145, and 146 are rejected under 35 U.S.C. 112, first paragraph, because the disclosure allegedly contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims are also rejected under 35 U.S.C. 112, first paragraph, because the specification allegedly does not reasonably provide enablement for making any transgenic plant with any plant centromere other than the dicotyledonous *Arabidopsis thaliana* centromere. Applicants respectfully traverse these rejections. In this regard, Applicants believe that all of the claims are fully supported pursuant to the requirements of 35 U.S.C. § 112.

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Nevertheless, in order only to expedite prosecution of this patent Applicants have cancelled Claims 128-131, 134-140, 145, and 146 without prejudice or disclaimer. Applicants will file a Continuation application including these claims. Therefore, Applicants do not expressly or inherently disclaim any subject matter in view of this Amendment and intend to pursue the claims that are being cancelled as the rejection of same is improper as a matter of law and fact.

Applicants have also amended Claims 132-133, 141-144 to be written in independent form.

For the foregoing reasons, Applicants respectfully submit that the above-identified patent application is now in a condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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